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**PRELIMINARY DRAFT**  
**No. 3196**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2013 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** IC 29-1-14-9.

**Synopsis:** Estate administration. Removes a provision stating that the fee of a surrogate attorney is included in the costs and expenses of administration if certain requirements are met.

**Effective:** July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning probate.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 29-1-14-9, AS AMENDED BY P.L.149-2012,  
2       SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2013]: Sec. 9. (a) All claims shall be classified in one (1) of  
4       the following classes. If the applicable assets of the estate are  
5       insufficient to pay all claims in full, the personal representative shall  
6       make payment in the following order:

7       (1) Costs and expenses of administration.

8       (2) Reasonable funeral expenses. However, in any estate in which  
9       the decedent was a recipient of public assistance under IC 12-1-1  
10      through IC 12-1-12 (before its repeal) or any of the following, the  
11      amount of funeral expenses having priority over any claim for the  
12      recovery of public assistance shall not exceed the limitations  
13      provided for under IC 12-14-6, IC 12-14-17, and IC 12-14-21:

14      TANF assistance.

15      TANF burials.

16      TANF IMPACT/J.O.B.S.

17      Temporary Assistance to Other Needy Families (TAONF)  
18      assistance.

19      ARCH.

20      Blind relief.

21      Child care.

22      Child welfare adoption assistance.

23      Child welfare adoption opportunities.

24      Child welfare assistance.

25      Child welfare child care improvement.

26      Child welfare child abuse.

27      Child welfare child abuse and neglect prevention.

28      Child welfare children's victim advocacy program.

29      Child welfare foster care assistance.

30      Child welfare independent living.

31      Child welfare medical assistance to wards.



- 1 Child welfare program review action group (PRAG).
- 2 Child welfare special needs adoption.
- 3 Food Stamp administration.
- 4 Health care for indigent (HCI).
- 5 ICES.
- 6 IMPACT (food stamps).
- 7 Title IV-D (ICETS).
- 8 Title IV-D child support administration.
- 9 Title IV-D child support enforcement (parent locator).
- 10 Medicaid assistance.
- 11 Medical services for inmates and patients (590).
- 12 Room and board assistance (RBA).
- 13 Refugee social service.
- 14 Refugee resettlement.
- 15 Repatriated citizens.
- 16 SSI burials and disabled examinations.
- 17 Title XIX certification.
- 18 (3) Allowances made under IC 29-1-4-1.
- 19 (4) All debts and taxes having preference under the laws of the
- 20 United States.
- 21 (5) Reasonable and necessary medical expenses of the last
- 22 sickness of the decedent, including compensation of persons
- 23 attending the decedent.
- 24 (6) All debts and taxes having preference under the laws of this
- 25 state; but no personal representative shall be required to pay any
- 26 taxes on any property of the decedent unless such taxes are due
- 27 and payable before possession thereof is delivered by the personal
- 28 representative pursuant to the provisions of IC 29-1.
- 29 (7) All other claims allowed.
- 30 (b) No preference shall be given in the payment of any claim over
- 31 any other claim of the same class, nor shall a claim due and payable be
- 32 entitled to a preference over claims not due.
- 33 (c) For purposes of subsection (a), costs and expenses of
- 34 administration include the fee of a surrogate attorney that has been:
- 35 (1) approved by a court under the rules of the Indiana Supreme
- 36 Court governing surrogate attorneys; and
- 37 (2) filed as a claim in the estate of a deceased attorney.

